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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,223	02/06/2002	Koichi Yoshikawa	112857-316	2294

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EXAMINER

HERNANDEZ, NELSON D

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/072,223

Applicant(s)

YOSHIKAWA ET AL.

Examiner

Nelson D. Hernandez

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2002.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 4-7 is/are allowed.
6) ☒ Claim(s) 1 and 2 is/are rejected.
7) ☒ Claim(s) 3 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 06 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/17/2004.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1 and 2 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/399,274. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

Claim 1 is a broader recitation of the same invention claimed in application 10/399,274. The claims are substantially the same except that claim 1 in '274 includes that in the respective image pickup means, the NP point is set behind the image pickup element.

Claim 2 is the same as in copending application '274 claim 2.

Since claims 1 and 2 in the application are encompassed by the copending application '274 claims, a terminal disclaimer is necessary to ensure that any two resultant patents are commonly owned.

Allowable Subject Matter

4. Claims 4-7 are allowed.
5. The following is a statement of reasons for the indication of allowable subject matter:

Regarding **claim 4**, the primary reason for indicating allowable subject matter is that the prior art fails to teach or reasonably suggest the image pickups being disposed such that, where a point at which an extension of straight line component in an object space of a selected one of principal rays passing the center of an aperture stop for a lens set provided in each of said image pickups which is positioned in a gauss region intersects with an optical axis of said lens set is set as an NP (non parallax) point.

Kurahashi, US Patent 5,937,212 discloses an image pickup apparatus (Figs. 1, 6, 18), comprising: a plurality of image pickups (Fig. 1, items 3 and 4) for individually picking up images of a plurality of divisional image pickup objects of an image pickup object extending over a wide range; and a processor (Fig. 1: 8) for receiving image information from said image pickups and processing the image information to produce a single image by stitching images presented by the image information; said image pickups being disposed such that, where the rays passing by the optical axis of the lens provided in each of said image pickups intersects with each other at the NP point (Non Parallax point) (Fig. 1

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teaches the rays intersecting each other at the image pickup apparatuses NP points 1a and 2a), the NP point (Fig. 6, position E) is set to a position outside a lens barrel by disposing, intermediately of a light path which passes said lens set of the image pickups, a mirror member (Fig. 6, mirrors 59 and 60) for bending incoming light at a predetermined angle in an inclined relationship by a predetermined angle so that the incoming light (See fig. 6) is bent and the NP points of said image pickup means are collectively set within a predetermined radius region centered at one of the NP points (Fig. 6, position E).

However, Kurahashi fails to teach or reasonably suggest that the image pickups being disposed such that, where a point at which an extension of straight line component in an object space of a selected one of principal rays passing the center of an aperture stop for a lens set provided in each of said image pickups which is positioned in a gauss region intersects with an optical axis of said lens set is set as an NP (non parallax) point.

6. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nelson D. Hernandez whose telephone number is (703) 305-8717, [(571) 272-7311 after February 28, 2005]. The examiner can normally be reached on 8:30 A.M. to 6:00 P.M..

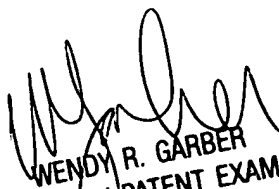
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R. Garber can be reached on (703) 305-4929, [(571) 272-7308 after February 28, 2005]. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nelson D. Hernandez
Examiner
Art Unit 2612

NDHH
February 9, 2005


WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600